

FILED

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF TEXAS**
11 **SHERMAN DIVISION**

12
13 JOSHUA WILSON, et. al.,
14 Plaintiffs,

15 vs.

16 LLOYD AUSTIN, III, in his official
17 capacity as Secretary of Defense, et. al.,
18 Defendants.

Case No.: 4:22-cv-00438-ALM
MOTION FOR LEAVE TO FILE
AMICUS CURIAE

Hon. Judge Amos L. Mazzant

19 COMES NOW, Pritish Vora, Amicus Curiae, by way of Pro Se, files with the
20 Honorable Court his motion for leave to file an informational brief in the above
21 referenced matter in support of the Plaintiffs to provide factual references that
22 warrant judicial notice, to provide facts that may escape the Court's consideration,
23 and to supplement the diligent efforts of counsel. Amicus states as follows:
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25

26 1. Amicus is an individual, concerned U.S. citizen from California and is
27 familiar with the docket entries in this case regarding the implementation of the
28

1 “Covid-19 vaccine mandate.” Amicus has a PACER account and thus also is aware
2 of other similar cases.

3
4 2. Amicus is a Pro Se, is not an attorney, does not hold any law degree, but
5 is aware of the Federal Rules of Civil Procedure. Amicus has filed cases as a Pro
6 Se Plaintiff in the Central District of California in other matters. See, e.g., Vora v.
7 Equifax Information Services, LLC et al., No. 8:19-cv-00302-AG-KES (C.D. Cal.
8 2019). (Case settled).

9
10 3. Notwithstanding “the absence of a specific provision” in the rules
11 authorizing amicus briefs, “*District Courts have long been permitted to allow*
12 *amicus appearances at their discretion.*” See Vigil v. AT&T, 1969 WL 118, at *1
13 (D.Colo. Sept. 9, 1969).

14
15 4. “*The classic role of the amicus curiae is to assist in a case of general*
16 *public interest, supplement the efforts of counsel, and draw the Court’s attention to*
17 *law or facts that may otherwise escape consideration.*” See Miller-Wohl Co., Inc.
18 v. Commissioner of Labor and Indus., 694 F.2d 203, 204 (9th Cir. 1982).

19
20 5. The implementation of a vaccine mandate for the Armed Forces is highly
21 contested throughout District Courts and is a matter of public interest. See, e.g.,
22 Clements, et. al. v. Austin, et. al., No. 2:22-cv-02069-DCN (Dist. SC 2022); See
23 also US Navy SEALs 1-3 et.al., v. Lloyd J. Austin III et.al., No. 4:21-cv-01236-O
24 (N.D. TX 2021).

1 6. The Defendants' motion in opposition to Plaintiffs' motion for
2 preliminary injunction rests largely on the theory that it has "BLA compliant" and
3 "FDA approved" licensed vaccines, and thus Plaintiffs' claims are not ripe.
4

5 7. Amicus intends to support the Plaintiffs' motion for preliminary relief.
6 The attached brief contains 13 (thirteen) referenced links, most of which are the
7 government's own sites. The brief is divided into four parts as follows:
8

- 9 a. Defendants do NOT have any "BLA compliant" lots.
10 b. Defendants do NOT have Moderna's Spikevax.
11 c. Defendants' claim of Pfizer-BioNTech's "FDA approved"
12 version of Comirnaty is subject to further judicial review.
13 d. "DEATH" is a listed serious adverse event in the FDA-
14 authorized fact sheet provided to healthcare providers, but it is
15 NOT listed as a serious adverse event in the FDA-authorized
16 fact sheet for recipients. (Emphasis added).
17
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21 8. This information will be useful to support the Plaintiffs' factual
22 contentions; This information is likely to have an influence on or affect the
23 outcome of a claim or defense; This information deserves to be considered in the
24 preparation, evaluation, or trial of a claim or defense; and this information that
25 reasonable and competent counsel would consider reasonably necessary to prepare,
26 evaluate, or try a claim or defense.
27
28

Respectfully submitted on this day of July 27, 2022

CERTIFICATE OF CONFERENCE

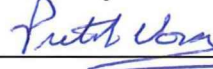
Respectfully submitted by:

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

CERTIFICATE OF SERVICE

I, Pritish Vora, Amicus Curiae, hereby certify that I sent the motion for leave to the Clerk of the Court via FedEx on July 27, 2022, and a copy was sent via U.S. first class mail, postage prepaid, to each of the respective parties below.

Respectfully submitted by:



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